

Application No. 09/902,529
Filed: July 10, 2001
TC Art Unit: 3724
Confirmation No.: 6863

REMARKS

In response to an Office Action mailed on September 8, 2004, Applicant respectfully requests that the above-listed Amendments be entered and the Application be reconsidered. With entry of the above-listed Amendments, claim 1 is amended; claims 8-14 are previously withdrawn; and claims 19-21 are new. Thus, 12 claims are presented for examination. Of these, claims 1 and 19 are independent, and the remaining claims are dependent.

The Examiner rejected claims 1-3, 6 and 7 under 35 U.S.C. 102(b) as being anticipated by French Patent 1.491.848 ("FR '848"). The Examiner rejected claims 4, 15 and 16 as being anticipated or, in the alternative, obvious over FR '848.

The Applicant notes with appreciation the allowable subject matter identified by the Examiner in claim 5. The Examiner objected to claim 5, because the claim depends upon a rejected base claim, but the Examiner indicated the claim would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In view of the above-listed Amendments to claim 1 (upon which claim 5 indirectly depends) and the following Remarks, claim 1 is believed to be allowable. Thus, claim 5 is believed to be allowable without further amendment.

The Applicant appreciates the time and courtesy extended by the Examiner during two telephonic interviews conducted with George Jakobsche of this office on January 6 and 30, 2005, respectively, during which the cited reference FR '848 was discussed in relation to the present Application. The discussion focused on the lack of any disclosure in FR '848 of a mechanism capable of driving ball 9 (Fig. 3) to rotate as a result of

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translation of the ball, i.e., when the ball is depressed into bore 1a as a result of pressure from cylinder 2 (Fig. 1) as the two cylinders 1 and 2 counter-rotate.

Claim 1 has been amended to recite "bringing a perforating member facing to the recess of the insert to locally compress fibers or filaments of the non-woven sheet between the perforating member and the sharp edge of the insert and thereby cause the perforating member to translate along an axis" and "moving the perforating member in rotating movement about an axis parallel to the translation axis ..." (Emphasis added.) New independent claim 19 recites "driving [a] punch such that the punch rotates about a longitudinal axis of the punch." (Emphasis added.)

No art of record, either individually or in combination, discloses or suggests positively rotating a perforating member or a punch about an axis of translation of the perforating member or about a longitudinal axis of the punch, as recited in the independent claims. For at least this reason, claims 1 and 19 are believed to be allowable. Claims 2-7, 15-17 and 20 and 21 depend directly or indirectly from claim 1 or 19. These dependent claims are, therefore, believed to be allowable, for at least the reasons discussed above with respect to claims 1 and 19.

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For all the foregoing reasons, it is respectfully submitted that the present Application is in a condition for allowance, and such action is earnestly solicited. The Examiner is encouraged to telephone the undersigned attorney to discuss any matter that would expedite allowance of the present Application.

Respectfully submitted,

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